

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ROY RADAKOVICH, as representative  
on behalf of former shareholders of  
Pump Engineering, LLC,

Plaintiff, CIVIL ACTION NO. 11-13443

DISTRICT JUDGE DENISE PAGE HOOD

MAGISTRATE JUDGE MARK A. RANDON

v.

ENERGY RECOVERY, INC.,

Defendant.

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**ORDER REGARDING PLAINTIFF'S MOTION TO DETERMINE (DKT. NO. 30)**

This matter is before the Court on Plaintiff's motion to determine claim of privilege (Dkt. No. 30). Defendant responded (Dkt. No. 34), and the Court heard oral argument on May 20, 2013; Defense counsel failed to appear.

For the reasons stated on the record, Plaintiff's motion is **GRANTED-IN-PART and DENIED-IN-PART**.

Defendant's May 24<sup>th</sup>, 2010, 8:13 PM e-mail, sent from Larry Pelegrin to G.G Pique, Borja Blanco, Tom Willardson, Kevin Terrasi, Terry Sandlin, and Carolyn Bostick (LP 00057) is properly designated as privileged.

None of the other documents referenced in Plaintiff's motion (LP 00007-14, LP 0021 and LP 00057-60) will be subject to claw back; they were improperly designated as privileged.

By **May 27, 2013**, Defendant must submit to the Court the Larry Pelegrin document that was initially produced directly to Defendant. The Court will then review that document in-

camera and determine whether it must be produced to Plaintiff. The Court will not make an in-camera inspection of any other disputed documents.

**IT IS ORDERED.**

s/Mark A. Randon

MARK A. RANDON

UNITED STATES MAGISTRATE JUDGE

Dated: May 20, 2013

*Certificate of Service*

I hereby certify that a copy of the foregoing document was mailed to the parties of record on this date, May 20, 2013, by electronic and/or ordinary mail.

s/Kim Grimes Acting for Eddrey Butts

Acting Case Manager for

Magistrate Judge Mark A. Randon